

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-HC-2255-BO

JAMES RODNEY SMITH,)
 Petitioner,)
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TRACY JOHNS,)
 Respondent.)

FILED


JUN 03 2011

DENNIS P. IAWARONE, CLERK
US DISTRICT COURT, EDNC
BY BT DEP CLK

ORDER

James Rodney Smith petitioned the court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. On May 4, 2011, the matter was allowed to proceed. On May 27, 2011, before respondent answered the petition, petitioner filed a motion for voluntary dismissal (D.E. # 6). The motion for voluntary dismissal is ALLOWED and the case is dismissed without prejudice. See Fed. R. Civ. P. 41(a)(1).

SO ORDERED, this 3 day of June 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE